

PRESS RELEASE

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New Delhi: January 23, 2023: The Ministry of Electronics & Information Technology (MEITY) on 17.1.2023 issued revised Draft Amendments to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (“IT Rules, 2021”) seeking to amend Rule 3(1)(b)(v) to state “*or is identified as fake or false by the fact check unit at the Press Information Bureau of the Ministry of Information and Broadcasting or other agency authorised by the Central Government for fact checking or, in respect of any business of the Central Government, by its department in which such business is transacted under the rules of business made under clause (3) of article 77 of the Constitution*”.

News Broadcasters & Digital Association (NBDA) notes with concern that the proposed amendment stifles the freedom of speech and expression of the Media under Article 19(1)(a) of the Constitution.

The amendment to the above Rule gives the Press Information Bureau (PIB) and the Central Government excessive powers to regulate digital news content without any scrutiny. It is of serious concern that PIB has been given powers along with any “*other agency authorised by the Central Government*” to direct the intermediaries/social media platforms to remove ‘fake news’.

It is observed that conferring such powers to Government without any checks and balances will result in muzzling the fourth pillar of democracy and also have a *chilling effect on the media*. This amendment gives the Government unbridled and unfettered right to interfere with the free speech rights of the media without any oversight.

The above provision will directly affect the news media as the intermediaries may be coerced or directed by PIB or any other agency to take down alleged ‘fake news’ content without following the principles of natural justice. This will also result in preventing any comment or criticism of the Government.

NBDA is also deeply anxious about the words “*in respect of any business of the Central Government, by its department in which such business is transacted under the rules of business made under clause (3) of article 77 of the Constitution*”, which will result in suppression of any legitimate criticism or analysis of the Government and its policies by the news media.

There are sufficient legislations, regulations and statutory bodies which regulate the news media. Therefore, introducing the aforementioned amendment would lead to excessive regulation by the Government which is neither desirable nor acceptable. This kind of censorship is not envisaged by the Constitution.

NBDA requests the MEITY to withdraw the aforesaid amendment in view of the apprehensions expressed above.



Annie Joseph
Secretary General